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John Maguire

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BROMBERG & SUNSTEIN LLP  
125 SUMMER STREET  
BOSTON, MA 02110-1618

EXAMINER

INGVOLDSTAD, BENNETT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/821,750	<b>Applicant(s)</b> MAGUIRE ET AL.	
	<b>Examiner</b> Bennett Ingvoidstad	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 49-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Response to Arguments***

1. In the previous action dated 6 March 2008, the examiner took Official Notice of facts in the rejections of claims 2, 9, 11, 16, and 21. Applicant's failure to traverse the examiner's assertions is taken as an admission of the facts noted.
2. Applicant's arguments filed 6 June 2008 have been fully considered but are not persuasive.
3. Applicant argues that Leroy's stimuli are not monitored against a fine time slice. *Remarks, pg. 6, para 3*. However, this argument is not persuasive, since the claims do not require any precision in the claimed time slices. Accordingly, Leroy's time segments are interpreted as "time slices" for the instant rejections.
4. Applicant further argues that Leroy "does not teach a system that can gauge an audience or individual reaction instantaneously to a stimulus". *Remarks, pg. 6, para 3*. Again, no such limitation is present in the claims, so the argument is not persuasive.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 2623

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 49-62, 65-71, 73, and 75 are rejected under 35 U.S.C. 102(e) as being anticipated by Leroy (US 5812642).

Leroy anticipates the following claims as indicated:

49. A method of analyzing responses to at least one stimulus stream (a broadcast promotion [col. 4, l. 45-50]), the method comprising:

showing the at least one stimulus stream to one or more respondents (to an audience which responds to the broadcast promotion [col. 4, l. 45-46]);

partitioning the at least one stimulus stream into a series of time slices (a series of time segments [col. 4, l. 45-52], illustrated as segments along a timeline 20 [Fig 7]);

associating stimuli in the at least one stimulus stream with the time slice in which each stimulus occurs (segments have an associated presenter- "Bob", "Kim"- and/or associated symbol 40 representing the segment content [Fig 7]);

associating responses of the one or more respondents to the at least one stimulus stream with the time slices in which each response is made (associating a number of calls with the time segment in which the calls are received [Fig 7]);  
and

storing an associative mapping for the at least one stimulus stream that correlates each of the time slices with the stimuli and the responses (the call data is mapped to a time along the horizontal axis, the time is associated with the call data and the specific segment [Fig 7]).

50. The method of claim 49 wherein the at least one stimulus stream comprises a video stream (a broadcast promotion [col. 4, l. 45-47]) and wherein stimuli comprise objects that appear in one or more of the time slices and wherein associating stimuli comprises determining whether one of the objects is present in a time slice of the video stream (names and symbols 40 are associated with time segments in which they appear [Fig 7]).

51. The method of claim 50 wherein one of the objects comprises a person ("Bob" or "Kim" [Fig 7]).

52. The method of claim 50 wherein the at least one stimulus stream further comprises an audio stream (a television broadcast [col. 4, l. 45-47] has an audio component).

53. The method of claim 52 further comprising analyzing the audio stream to produce text strings (a timeline containing text strings describing the segments, e.g. "Bob", is produced by manual analysis [col. 5, l. 1-8]).

54. The method of claim 53 wherein associating stimuli further comprises determining whether one of the text strings is present in a time slice of the audio stream (determining whether Bob is present in a segment, in order to display the text string “Bob” on the segment timeline [Fig 7]).

55. The method of claim 52 wherein the associative mapping comprises a multi-channel associative mapping (response data may be taken for multiple programs [Fig 5]).

56. The method of claim 49 further comprising logging locations of stored frames of the at least one stimulus stream (logging time frames, e.g. each time increment along the time axis [Fig 7]) and associating the stored frames with the time slices so that the associative mapping correlates stimuli, responses and stored frames [Fig 7].

57. The method of claim 49 wherein associating stimuli comprises indicating whether or not a stimulus is present in each of the time slices (timeline 20 associates responses with a stimuli that is present in a time segment [Fig 7]).

58. The method of claim 49 further comprising accessing the associative mapping by one or more of the responses (e.g., accessing call information such as validity by the mapping with the stimulus timeline [Fig 4]).

59. The method of claim 49 further comprising measuring an environmental condition and associating the measurements with the time slices (a telephone used to gather response data [col. 5, l. 9-19] measures a sound environmental condition).

60. A computer readable medium encoded with a computer program for analyzing responses to at least one stimulus stream partitioned into a series of time slices (time segments [col. 4, l. 45-59]), the computer program code comprising:

program code for associating stimuli in the at least one stimulus stream with the time slice in which each stimulus occurs (segments have an associated presenter- "Bob", "Kim"- and/or associated symbol 40 representing the segment content [Fig 7]);

program code for associating responses to the at least one stimulus stream with the time slices in which each response is made (associating a number of calls with the time segment in which the calls are received [Fig 7]); and

program code for storing an associative mapping for the at least one stimulus stream that correlates each of the time slices with the stimuli and the responses

Art Unit: 2623

(the call data is mapped to a time along the horizontal axis, the time associated with the call data and the specific segment [Fig 7]).

61. The computer readable medium of claim 60 wherein the at least one stimulus stream comprises a video stream (a broadcast promotion [col. 4, l. 45-47]) and wherein stimuli comprise objects that appear in one or more of the time slices (see stimuli along timeline 20 [Fig 7]) and wherein the program code for associating stimuli comprises program code for determining whether one of the objects is present in a time slice of the video stream (via manual event coding [col. 5, l. 1-8]).

62. The computer readable medium of claim 61 wherein the at least one stimulus stream further comprises an audio stream (a television broadcast [col. 4, l. 45-47] has an audio component).

65. The computer readable medium of claim 62 wherein the associative mapping comprises a multi-channel associative mapping (response data may be taken for multiple programs [Fig 5]).

66. The computer readable medium of claim 60 further comprising program code for logging locations of stored frames of the at least one stimulus stream



(logging time frames, e.g. each time increment along the time axis [Fig 7]) and associating the stored frames with the time slices so that the associative mapping correlates stimuli, responses and stored frames [Fig 7].

67. The computer readable medium of claim 60 wherein the program code for associating stimuli comprises program code for storing indications of whether or not a stimulus is present in each of the time slices (timeline 20 associates responses with a stimuli that is present in a time segment [Fig 7]).

68. The computer readable medium of claim 60 further comprising program code for accessing the associative mapping by one or more of the responses (e.g., accessing call information such as validity by the mapping with the stimulus timeline [Fig 4]).

69. The computer readable medium of claim 60 further comprising program code for associating measurements of environmental conditions with the time slices (a telephone used to gather response data [col. 5, l. 9-19] measures a sound environmental condition).

70. An apparatus for analyzing responses to at least one stimulus stream comprising:

an input for receiving responses from one or more respondents to the at least one stimulus stream [col. 5, l. 31-37];

a correlator for correlating the responses and a plurality of stimuli in the at least one stimulus stream with time slices of the stimulus stream to generate an associative mapping of the responses and the stimuli with the time slices of the stimulus stream (the call data is mapped to a time along the horizontal axis, the time associated with the call data and the specific segment [Fig 7]); and

a storage module operatively coupled with the correlator, the storage module storing the associative mapping [col. 6, l. 6-13].

71. The apparatus of claim 70 wherein the at least one stimulus stream further comprises an audio stream (a television broadcast [col. 4, l. 45-47] has an audio component).

73. The apparatus of claim 71 wherein the associative mapping comprises a multi-channel associative mapping (response data may be taken for multiple programs [Fig 5]).

75. (New) The apparatus of claim 70 further comprising a log of locations of stored frames of the at least one stimulus stream (logging time frames, e.g. each time increment along the time axis [Fig 7]) and wherein the correlator further correlates the stored frames with the time slices of the at least one stimulus

Art Unit: 2623

stream so that the associative mapping correlates stimuli, responses and stored frames [Fig 7].

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leroy (US 5812642).

74. Leroy does not specifically disclose storing the associative mapping in an associative cache.

However, Applicant's admission of fact provides evidence that it was well known to store an associative mapping in an associative cache.

Therefore it would have been obvious to have stored the associative mapping in an associative cache, due to the well known utility of an associative cache for storing an associative mapping.

9. Claims 63, 64, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leroy (US 5812642) in view of Lyberg (US 5752227).

63. Leroy does not further teach the computer readable medium of claim 62 further comprising program code for analyzing the audio stream to produce text strings.

Lyberg discloses a speech to text conversion system for analyzing an audio stream and producing text strings [Abstract].

It would have been obvious to incorporate the speech to text conversion into Leroy's event coding [col. 5, l. 1-8], according to known methods, to yield the predictable result of converting the speech in the audio stream into text, thus assisting or replacing the manual event coder in labeling the time segments with event codes that describe the discussion during various time segments (see timeline 20 [Fig 7]).

Leroy teaches:

64. The computer readable medium of claim 63 wherein the program code for associating stimuli further comprises program code for determining whether one of the text strings is present in a time slice of the audio stream (labeling the time segments with the appropriate text string event code [Fig 7]).

Claim 72 is obvious in the same manner as claim 63.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571)270-3431. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bennett Ingvaldstad/  
Examiner, Art Unit 2623

Application/Control Number: 10/821,750  
Art Unit: 2623

Page 14